

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600
(www.montgomerycountymd.gov/mc/council/board.html)**

WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, April 2, 2003, 9:00 A.M.

ACTION ITEM:

1. **S-2543, Petition of Gail Transeau, Trustee** (riding stable). Request for Oral Argument from E. B. Harmse. (worksession item No. 24).

Action: Denied request for Oral Argument, (AMD/DLB, 5-0).

2. **S-2544, Petition of Spring PCS/APC Realty and Equipment Company, LLC and Dal S. and Myeong S. Hong** (public utility buildings, public utility structures and telecommunication facilities). Motion to Compel Pre-Hearing Discovery from William J. Chen, Jr., Esquire. Also included is the Petitioner's Opposition to Motion to Compel Pre-Hearing Discovery from Janet A. Brown, Esquire.

Action: Denied request for Discovery, (LLM/AIF, 5-0).

Board Members

Donald H. Spence, Jr., Chairman
Donna L. Barron, Vice Chairman
Louise L. Mayer
Angelo M. Caputo
Allison Ishihara Fultz

Staff

Sherry Glazer, Assistant County Attorney
Katherine Freeman, Executive Secretary to the Board
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WORKSESSION MINUTES

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Wednesday, April 2, 2003, 9:00 A.M.

ACTION CALENDAR:

1. **Minutes**, March 19, 2003 Worksession.

Action: Approved as amended, (AMC/DLB, 5-0).

2. **A-5841, Petition of MTR Land, LLC** (new single-family dwelling). Continuance request from Stacy P. Silber, Esquire.

Action: Granted continuance request, (LLM/AMC, 5-0).

3. **A-5878, Petition of Oscar and Adriana Camacho** (new single-family dwelling). Expedited hearing request from Jody S. Kline, Esquire.

Action: Granted request for expedited hearing, (AIF/AMC, 5-0). Hearing scheduled for 4/23/03 @ 10 a.m.

4. **CBA-1174-C, Petition of Holton-Arms School** (private educational institution). Letter to the Board from Harry W. Lerch, Esquire, requesting an administrative modification.

Action: Granted administrative modification, (AMC/LLM, 5-0).

5. **CBA-916 [S-615], Petition of The Public Health Service Club, Inc. and The Foundation for Advanced Education in the Sciences, Inc.** (private club). Letter to the Board from Lois W. Kochanski, Executive Director, requesting an administrative modification and the deletion of one of the special exception holders.

Action: Item deferred for confirmation of the deletion by Public Health Service Club as a special exception holder, consensus.

6. **CBA-1495 [CBA-3060], Petition of Old Farm Swim Club, Inc.** (community swimming pool). Letter to the Board from Larry A. Gordon, Esquire, requesting an administrative modification. (Large exhibits: existing conditions plan, plot plan, and photo identification plan). Also included is a letter of support from Faith United Methodist Church.

Action: (1) Denied administrative modification request; (2) applicant has the option of applying for a public hearing, (DLB/LLM, 5-0).

7. **CBA-2587, Petition of James S. Coleman** (private riding stable). Memorandum from Barbara J. Piczak, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included are letters of confirmation from the special exception holder and the current property owner.

Action: Revoked special exception as abandoned, (LLM/AIF, 5-0).

8. **CBA-2724-C, Petition of Norbeck Country Club** (country club). Letter to the Board from Jody S. Kline, Esquire, requesting a one year extension of time.

Action: (1) Granted 12 month extension of time to implement; (2) petitioner to provide a six month progress report, (LLM/AMC, 5-0).

9. **CBA-2808 [CBA-2849, S-295], Petition of Clarence Gosnell and River Falls Community Center Association, Inc.** (private club and community swimming pool). Letter to the Board from Christiane E. Sorel, Esquire, requesting a re-inspection of the premises, an extension of deadline for compliance, and an extension of the deadline for filing to address the violations.

Action: Denied request for re-inspection, compliance deadline and filing extensions, (AIF/DLB, 5-0).

10. **CBA-2841 [S-130], Petition of Rodolfo P. Ramirez D.V.M.** (veterinary hospital). Letter to the Board from Susan W. Carter, Esquire, submitting a revised site plan. (Large exhibit: revised site plan).

Action: Item deferred for a site plan that reflects the parking spaces along MacArthur Blvd., consensus.

11. **S-259, Petition of Mary L. Rhim** (child day care facility). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the special exception holder confirming the abandonment.

Action: Revoked special exception as abandoned, (DLB/AIF, 5-0).

12. **S-388, Petition of Eldwick Homes Association** (community swimming pool). Letter to the Board from Alfred Blumberg, Principal, requesting a postponement of the Show Cause Hearing. Also included is a memorandum agreeing to the postponement request from Mr. Garber.

Action: Denied continuance request, (LLM/AIF, 5-0).

13. **S-1113, Petition of Irma M. Scholz** (accessory apartment). Memorandum to the Board from Stephen M. Morris, Housing Code Inspector, Department of Housing and Community Affairs (DHCA) notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the current property owner.

Action: Revoked special exception as abandoned, (DLB/LLM, 5-0).

14. **S-1471, Petition of Ruben Garcia** (automobile filling station). Letter to the Board from A. Shane Kamkari, Esquire, requesting to a transfer and an administrative modification of the special exception. (Large exhibits: elevations and floor plans and site/landscape/lighting plan).

Action: (1) Denied administrative modification; (2) schedule Review/Show Cause Hearing, (DLB/LLM, 5-0).

15. **S-1578, [S-1578-A], Petition of Paul Meyers and Judy L. Feinberg** (non-resident professional office). Letter to the Board from Stephen J. Orens, Esquire, requesting a transfer and an administrative modification. Also included is the Staff Analysis of the administrative modification request.

Action: (1) Petitioner to provide for the record a recorded cross-easement; (2) schedule Show Cause Hearing, LB/LLM, 5-0).

16. **S-1951, Petition of Janusz and Sophia Grabinski** (accessory apartment). Memorandum to the Board from Stephen M. Morris, Housing Code Inspector, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included in a confirmation from the current property owner.

Action: Revoked special exception as abandoned, (AIF/AMC, 5-0).

17. **S-1954-A, Petition of Edward F. Mayne, Sr. and Josephine L. Mayne and Joseph Q. Hills** (golf course in the RDT Zone). Letter submitting an updated landscape and lighting plan from Joseph Q. Hills. (Large exhibit: landscape and lighting plan).

Action: Re-opened the record to include Mr. Hills letter with attachments, (AIF/DLB, 5-0).

18. **S-2011, Petition of Marina Esche** (accessory apartment). Memorandum to the Board from Stephen Morris, Housing Code Inspector, DHCA, notifying the Board that special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the current property owner.

Action: Revoked special exception as abandoned, (DLB/LLM, 5-0).

19. **S-2037, Petition of David B. Lozovsky** (accessory apartment). Memorandum to the Board from Stephen Morris, Housing Code Inspector, DHCA, notifying the Board that special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the special exception holder.

Action: Revoked special exception as abandoned, (LLM/AMC, 5-0).

20. **S-2142, Petition of Bert A. Tegeler** (accessory apartment). Letter to the Board from Paula R. Zelaya requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (LLM/AMC, 5-0).

21. **S-2287, Petition of Circle, Inc.** (private educational institution). Letter to the Board from Joy B. Thurmond requesting an administrative modification. (Large exhibits: landscape/lighting/forest conservation plan).

Action: Granted administrative modification, (AIF/AMC, 5-0).

22. **S-2562, Petition of Betty J. Wells** (accessory apartment). Letter from the petitioner requesting a continuance.

Action: (1) Granted continuance request; (2) new hearing scheduled for 7/16/03 @ 1:30 p.m., (LLM/AMC, 5-0).

23. **S-2567, Petition of Gregory Levine and Kuri Yasuno** (accessory apartment). Letter from the petitioners requesting a continuance.

Action: (1) Granted continuance request; (2) date to be determined, (DLB/LLM, 5-0).

DECISION ITEMS:

24. **S-2543, Petition of Gail Transeau, Trustee** (riding stable). Hearing Examiner's Report and Recommendation.

Action: (1) Denied request for Oral Argument; (2) adopted the Hearing Examiner's Report and Recommendation as amended and granted the special exception with conditions, (AMC/DLB, 5-0).

25. **S-2551, Petition of Daniel Albert, Jr.** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: Adopted the Hearing Examiner's Report and Recommendation and granted the special exception with conditions, (LLM/AMC, 5-0).

PENDING ITEMS:

26. **CBA-802, Petition of Donald E. and Evelyn C. Golladay** (animal boarding), **CBA-1211, Petition of Donald E. Golladay** (animal boarding), **CBA-1496, Petition of Evelyn C. Golladay** (animal boarding and breeding kennel), **CBA-2447, Petition of Evelyn C. Golladay** (animal boarding), **CBA-2917, Petition of Evelyn C. Golladay** (animal boarding), **S-224, Petition of Evelyn C. Golladay** (animal boarding), **S-425, Petition Evelyn Golladay** (animal boarding). Letter to the Board from Stanley N. Garber, Investigator, requesting that the special exceptions have been abandoned and requesting that they be revoked. Item deferred for additional information from petitioner.

27. **CBA-2180 and S-254, Petition J. H. Burton and Sons, of Hyattsville, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Kevin P. Fay, Esquire, requesting the record to be re-opened to admit a June 11, 1999 site plan. Item deferred to allow Board time to review file.

28. **CBA-2196, Petition Chevron U.S.A.** (automobile filling station). Letter to the Board from C. Robert Dalrymple, Esquire, and Yum Yu Cheng, Esquire, requesting a transfer and an administrative modification. (Large exhibits: concept plan, survey and plot plan). Request referred to staff for comment.

29. **CBA-2986, Petition of Leafy House, Inc.** (housing for the elderly). Letter to the Board from Chris A. Fremuth, R.L.A., requesting an administrative modification. (Large exhibit: site, landscape and lighting plan). Item deferred for review of the landscape/lighting plan and the parking plan by M-NCPPC.

PENDING ITEMS (continued):

30. **S-569, [CBA-3051, S95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.
31. **S-1716, Petition of Sports Fun, Inc.** (commercial recreational or entertainment establishment). Letter to the Board from David and Nancy Ris, current property owners, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked. Item deferred. Board to request DPS correction of special exception address.
32. **S-1743, Petition of Kentucky Fried Chicken** (drive-in restaurant). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Board requested MNCPPC recommendation.
33. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, regarding the inspection of the special exception. Letter will be sent to the petitioner to determine what future action he proposes for the special exception property.
34. **S-1785, Petition of Mardirossian Family Enterprises** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Item deferred to provide notice to prior and current owners of the property.
35. **S-2093, Petition of Bell Atlantic Mobile Systems, Inc.** (public utility structure). Letter to the Board from Sue Swett, Real Estate Department, Pinnacle Towers Inc., requesting a transfer of the special exception. Board requests additional information.

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